

**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 1-5, 7-10, and 12-31 are pending in this application with claims 6 and 11 having been cancelled and new claim 31 added by these amendments. The requisite for the new dependent claim in excess 20 claims (\$9) is included in the enclosed check for \$384.

In the Office Action, claims 1, 7-10, 12, 18, and 24-29 were rejected. The Applicants would like to thank the Examiner for indicating that claims 22 and 23 are allowed and that claims 2-6, 11, 13-17, 19, 20, and 24-30 contain allowable subject matter.

**II. 35 U.S.C. §§ 112 AND 102 REJECTIONS**

Initially, the Office Action rejects claims 24-29 under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Office Action denotes a single instance of improper antecedent basis in claim 24. In response, claim 24 has been amended to overcome this informality.

Accordingly, it is respectfully requested that the rejection of claims 24-29 be withdrawn.

Next, the Office Action rejects claims 1, 7-10, 12 and 18 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,931,855 to Buncke. In response, claim 1 has been amended to recite a step of “twisting said suture along a y-axis prior to cutting.” Applicants respectfully submit that that Buncke does not teach such a feature. Further, the Examiner has previously indicated that such a feature patentably distinguishes over Buncke in that was previously recited in the allowable but now cancelled claims 6 and 11. Accordingly, claim 1, as amended,

patentably distinguishes over the Buncke and is allowable. Further, claims 2-5, 7-10, 12, 30 and 31 depend from the allowable base claim and are allowable therewith.

Claim 13 has been rewritten in independent form substantially incorporating the limitations of claim 1. As the examiner has indicated that claim 13 contains allowable subject matter, it is respectfully requested that claim 13 be allowed. Further, claims 14 and 15 which depend from claim 13 are allowable therewith.

Claims 16-21 have been amended and placed in independent form. Claims 16, 18, and 20 have also been amended to include the features of claim 2. Similarly claims 17, 19, and 21 have been amended to include the features of the now cancelled claim 6. As both claim 2 and claim 6 have been indicated as allowable by the Examiner, it is respectfully submitted that the incorporation of such elements into now independent claims 16-21 renders such claims similarly allowable. Accordingly, it is respectfully requested that claims 16-21 be allowed.

Finally, Applicants have added new claim 31. The Examiner will note that new independent claim 31 recites a step of securing the suture which by this amendment has been removed from claim 1. Similarly, in order to ensure proper antecedent basis, claim 30 has been made dependent upon claim 31. As claim 31 depends from claim 1, it is allowable therewith.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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